

NOTICE OF PROPOSED REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections Division 3, Department of Corrections

AUTHORITY:

Under authority established in Penal Code (PC) Section 5058, the Director of Corrections proposes to change Title 15 of the California Code of Regulations (CCR) by proposing regulations to incorporate into the Director's Rules affecting inmate intake forms and inmate deaths.

REFERENCE:

These regulations implement, interpret, and/or make specific Penal Code Section 5054.

PUBLIC HEARING:

Date and Time: October 12, 1999 at 9:00 a.m.

Place: Department of Water Resources Auditorium
1416 Ninth Street
Sacramento, CA 95814

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD:

The public comment period will close October 12, 1999 at 5:00 p.m. Any person may submit written comments about the proposed changes. To be considered by the Department, comments must be received at the Department of Corrections, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001, before the close of the comment period.

CONTACT PERSON:

Please direct any inquiries regarding this action to Bonnie Garibay, Chief, Regulation and Policy Management Branch, Department of Corrections, P.O. Box 942883, Sacramento, CA 94283-0001 or telephone (916) 322-9702.

ASSESSMENTS, MANDATES AND FISCAL IMPACT:

This action will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The Department determines this action imposes no mandates on local agencies or school districts; no fiscal impact on state or local government, or federal funding to the State, or private persons. It is also determined that this action will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states; or on housing costs; and no costs or reimbursements to any local agency or school district within the meaning of Government Code Section 17561. This action could minimally affect a few small businesses which contract to provide final disposition of the unclaimed bodies of deceased inmates. Current provisions allow either cremation or burial, but cremation is routinely the method chosen, because of its lower cost to the State. This change, providing cremation as the only option, formalizes the current practice, and therefore will not have a

significant economic impact on the affected businesses. The express terms of the proposed regulation, written in plain English, are available upon request directed to the Department's contact person.

DETERMINATION:

The Department must determine that no alternative considered would be more effective in carrying out the purpose of this action or would be as effective and less burdensome to affected persons.

AVAILABILITY OF PROPOSED TEXT AND ISR:

The text of the regulation, the Initial Statement of Reasons and other related materials are available upon request directed to the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT:

If any substantial and sufficiently related changes are made to the text as a result of comments received during the public comment period, the Department will make the full text of the changed regulation available for at least 15 days before the date the regulation is permanently adopted.

Informative Digest/Plain English Policy Statement Overview:

Penal Code Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline and employment of inmates.

Penal Code Section 5058 authorizes the Director to prescribe and amend regulations for administration of prisons.

This action will incorporate into the Director's Rules regulations affecting intake processing and inmate deaths.

This action will:

- Change the title and the revision date of the CDC Form 112 from Chronological Inmate History to Chronological History, and change the title of the CDC Form 112 in the listing of Intake Processing Forms.
- Change the title and revision date of the CDC Form 127, from Notice in Case of Death, Injury or Illness to Notification in Case of Inmate Death, Serious Injury, or Serious Illness.
- Add language to mandate that counseling staff will utilize the CDC Form 127 to determine who to notify if an inmate dies. The term "next of kin" is replaced with "person(s) to be notified" and "legally appointed representative" to allow inmates to choose a person or persons other than their next of kin to receive this notice.
- Add language to direct counseling staff to utilize information found in the CDC Form 127 and to search the deceased inmate's personal property for a will.

- Add language to clarify the process to be used in notifying the deceased inmate's next of kin, designated person(s) to be notified, or legally appointed representative, and the time limits for claiming an inmate's body.
- Add language requiring notification to mortuary staff and public agencies if a deceased inmate was known to have had a communicable disease.
- Add language to clarify the arrangements to be made for final disposition of an unclaimed body and for the release of the funds and personal belongings of deceased inmates.